

COMBATING DOMESTIC VIOLENCE WITH LEGAL SERVICES

The NC State Bar Report to the General Assembly Regarding the Domestic Violence Victim Assistance Act 2014–15

WHAT IS DOMESTIC VIOLENCE?

Domestic violence occurs when one person in an intimate relationship uses a pattern of coercion and control against the other person during the relationship and/or after the relationship has terminated. It often includes physical, sexual, emotional, or economic abuse.

Domestic violence occurs in all kinds of families and relationships. Persons of any class, culture, religion, sexual orientation, marital status, age, and sex can be victims or perpetrators of domestic violence.

Each year, funding from North Carolina's Domestic Violence Victim Assistance Act provides legal aid to help more than 4,800 domestic violence victims and their children escape abuse and rebuild their lives.

It is important to combat domestic violence in North Carolina because*:

- Since 2008, the N.C. Department of Justice reports an average of more than 100 domestic violence-related homicides annually.
- 1 in 4 women will report violence at the hands of an intimate partner during her lifetime.
- It is estimated nationally that intimate partner violence costs employers over \$5 billion annually.
- Approximately one-fifth of patients treated in hospital emergency rooms are treated for injuries inflicted by an intimate partner.
- One study found 54% of employees living with domestic violence missed at least 3 full days of work per month.
- Domestic violence is the #1 reason women and children become homeless in the U.S.
- About one-third of female victims of homicide were killed by their current or former husbands or boyfriends.
- A child's exposure to the father abusing the mother is the strongest risk factor for transmitting violent behavior from one generation to the next.
- More than 10% of high school students report experiencing physical violence by a boyfriend or girlfriend in the past 12 months.

* Information was compiled from a variety of sources including the North Carolina Department of Justice, Centers for Disease Control & Prevention, U.S. Department of Justice, and the American Psychological Association among others.

NC Domestic Violence Victim Assistance Act

In 2004, the NC General Assembly passed comprehensive legislation to address the problem of domestic violence. Part of that multi-faceted program was to provide access to legal representation for domestic violence victims under the Domestic Violence Victim Assistance Act.

Studies show legal aid stops domestic violence.

A study by economists at Colgate and the University of Arkansas* indicates that the availability of legal services decreases the likelihood that women will be battered. The study notes that while shelters, hotlines, and counseling are vitally important crisis-intervention aid, it is legal services that offer women certain important alternatives to the abusive relationships. The economists theorize that by helping domestic violence survivors obtain protective orders, custody of their children, child support, and sometimes public assistance, legal aid programs help the women achieve the physical safety and financial security needed to leave their abusers. Because legal aid helps women achieve self-sufficiency, it is a good investment of public funds.

* Amy Farmer & Jill Tiefenthaler, Explaining the Recent Decline in Domestic Violence, 21 Contemp Econ Pol'y 158 (April 2003)

Funding through the NC Domestic Violence Victim Assistance Act is used:

- (1) To provide legal assistance to domestic violence victims;
- (2) To provide education to domestic violence victims regarding their rights and duties under the law; and
- (3) To involve the private bar in the representation of domestic violence victims

through cases that address:

- (1) Actions for protective orders;
- (2) Child custody and visitation issues; and
- (3) Legal services which ensure the safety of the client and the client's children.

State Funding in 2014-15

A total of **\$1,057,795** was distributed:

\$68,219 to Pisgah Legal Services serving Buncombe, Henderson, Madison, Polk, Rutherford, and Transylvania Counties; and

\$989,576 to Legal Aid of North Carolina serving all other counties.



Amelia (center) with PLS Staff Member and Advocate Thalia Hoy (left) and Amelia's dear friend, Janice (right).

One woman's story

Amelia and Janice* met 8 years ago while working at a local business together. Before long they forged a real and lasting friendship. One day, Amelia confided to Janice that her boyfriend had recently beaten her with a metal chain, and that he had been abusing her for years. She feared for her life and also for their young son's safety. Amelia's boyfriend had convinced her that if she left him, she would lose her son.

When Amelia's abuser violated the temporary protection order and was arrested, Amelia was terrified to go to court, even with Janice by her side. Then Amelia was referred to Pisgah Legal Services (PLS). "Before I got a lawyer from Pisgah Legal Services, I almost gave up," says Amelia. "I was that scared. But the staff was so good to me. I knew then I had support and legal help." PLS Attorney Erin Wilson represented Amelia and obtained a 1-year protection order, custody of her son, and possession of their vehicle.

Today Amelia is living a life free of fear and abuse. "I was so timid before, but after a while I started to feel free. Today I am a different person."

*Names have been changed.



Pisgah Legal Services' Mountain Violence Prevention Project

The Mountain Violence Prevention Project (MVPP) is a collaborative effort of Pisgah Legal Services and domestic violence prevention agencies in six counties. By integrating legal and supportive services, the MVPP provides a continuum of care for low-income victims of domestic violence in that region.



Legal Aid of North Carolina Domestic Violence Prevention Initiative

The Domestic Violence Prevention Initiative (DVPI) is a specialized, statewide project of Legal Aid of North Carolina (LANC) that provides legal assistance to victims of domestic violence. It is comprised of attorney/advocates based in LANC field offices (located across North Carolina) and a project director located in Raleigh. DVPI attorneys/advocates are trained in the laws available to help increase the safety and self-sufficiency of victims, as well as the dynamics of domestic violence and safety planning.

From July 2014 through June 2015, Legal Aid of North Carolina and Pisgah Legal Services have completed **4,870** cases for domestic violence victims. Of these cases, **954** were completed by volunteer attorneys.

The Domestic Violence Victim Assistance Act funds Legal Aid of North Carolina and Pisgah Legal Services to provide free legal services to domestic violence victims to escape abuse and rebuild their lives. With these funds, Pisgah Legal Services serves Buncombe, Henderson, Madison, Polk, Rutherford, and Transylvania Counties, and Legal Aid of North Carolina serves clients in the other counties.

Legal Services—Legal aid attorneys and private volunteer attorneys help victims secure court protective orders to improve the safety of adult and child victims. Legal aid also helps victims address a range of other issues to increase their independence from abusers, including child custody and child support, divorce, division of marital property, and housing and consumer issues.

The type of services that are provided vary dependent upon the availability of staff and private volunteer attorneys to represent domestic violence victims in any of the 100 counties in North Carolina. On short notice, legal aid attorneys must interview the victim and any other witnesses, gather hospital records and police reports, and prepare for trial, scheduled within 10 days of when the victim files court action to obtain a temporary protective order. Because victim safety is always a concern, attorneys must address safety plans for victims and their families.

Community Involvement—The legal aid organizations work closely with community-based programs, agencies, and task forces to address other non-legal needs of domestic violence victims. In addition, staff attorneys work to educate the victims and others within a community, such as landlords, about their rights and duties under the law. This community involvement is critical to help victims gain much needed self-sufficiency to stop the domestic violence.

Volunteer Attorneys—Legal aid attorneys train private volunteer attorneys to represent domestic violence victims in court to obtain protective orders. Also, volunteer attorneys accept cases where domestic violence victims need legal representation in such matters as child custody and support and divorce. In the metro areas where law schools are located, staff attorneys have trained and supervised law students in domestic violence clinics to represent victims who seek protective orders. When these experienced students become licensed attorneys, they will be ready to represent victims without additional training.